

DEAN'S NEWSLETTER

FACULTY OF LAW, University of Alberta

FALL 2003

Message from the Dean

There is always excitement in the air as the new academic year approaches at the law school.

Faculty members have spent the summer researching and revamping their teaching materials for the forthcoming year. We look forward with anticipation to welcoming our new students on September 2. Competition for law school places has intensified and our first year class will be drawn from a pool of 1,135 applicants. They will benefit from our new first year curriculum, which has been slightly refined since its introduction last year, and will be the first students at the University to enter the new world of differential fees.

Our new first year programme focuses on providing students with a strong cultural background in the history and nature of law and the Canadian legal system, as well as ensuring that students possess excellent research skills.

In the first term, students take a course in Foundations to Law and throughout the entire year, they take an intensive small section programme in legal research and writing. Our objective is to produce students with excellent research skills in both print and electronic sources and to provide consistent and detailed feedback on a number of written assignments. The programme is demanding for both Faculty members and students, but we are determined to offer a research and writing course that is unmatched in Canada.

This is the first year in which Alberta students will pay fees that are higher than those charged to undergraduate students in the rest of the University. This year's entering students will pay University fees of almost \$6,600 and next year's first and second year students will pay in excess of \$8,700.

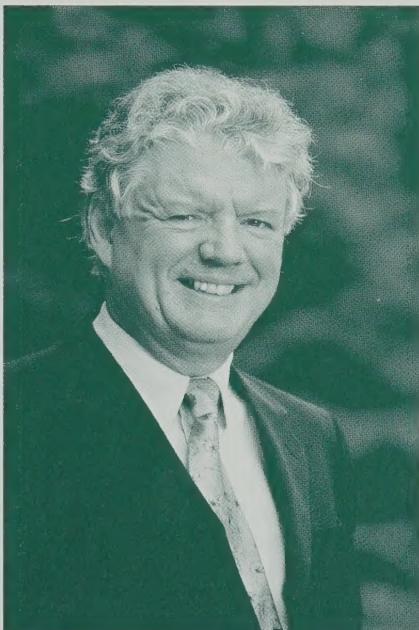
I am aware that differential fees in Law are a matter of great concern to many of our friends and alumni. They were imposed only with the greatest reluctance and at a level which ensures that the fees charged at this Faculty will continue to be

among the lowest of any major law school in Canada. They are, however, a matter of absolute necessity for the future of the Faculty. Since the retirements of Professors Frank Jones and Dick Dunlop two years ago, we have had no full-time Faculty member teaching in the area of either Taxation or Labour Law. The reality of University budget cuts meant that, without differential fees, we would be unable to fill these serious gaps, or to replace Professor Fred Laux when he retires in December or Professor Ron Hopp when he retires in 2005.

The increased income to the Faculty produced by differential fees will be spent entirely on new Faculty members, student services, and student bursaries. Despite escalating salary structures at some Ontario law schools, none of the additional revenue will be used to increase Faculty members' salaries. We have already established a bursary fund, which this year will offer financial support in excess of \$100,000 to entering first year students of modest financial means. When differential fees are fully implemented in 2005, we will have a bursary fund of \$600,000, with the objective of minimizing the impact of higher fees on students with financial need. By next year, we envisage that all students will receive bursary applications along with their letters of acceptance and will be in a position to know the precise net cost of their education before making a final commitment to attend law school.

There is no denying that the costs of professional education have risen dramatically across Canada. I know that many members of the profession are dismayed by this trend, but I can assure you that, without the additional revenue produced by differential fees, the quality of our programme would have rapidly declined to an unacceptable level. Our institutional concern to prevent students from being denied a legal education because of a lack of means is reflected in our decision to set our fees at a relatively low level and by our bursary programme.

Those of us who benefitted from an extremely inexpensive legal education and who share this concern at a personal level



might seriously consider making contributions to the Faculty of Law Bursary Fund for Students in Financial Need.

The income produced by differential fees has already had a measurable effect on the coming year's academic programme. **Professor Chris Sprysak** will be joining the Faculty to teach in the area of Taxation. Chris has an astonishing academic record. He was the Gold Medalist in the Faculty of Business, the Gold Medalist in Law, and qualified as a Chartered Accountant. After practising with the firm of Felesky Flynn, he taught at the Faculty for one year before attending the world's leading graduate programme in International Taxation at New York University. True to form, Chris graduated first in his class in that august company. We know from our earlier experience that Chris is an excellent teacher and a real asset to the Faculty. I am delighted that he has chosen to return to the University of Alberta.

We are also pleased to welcome two visiting assistant professors. **Dr. Moin Yahya** obtained his B.A. and M.A. in Economics from the University of Alberta and taught Economics at this University. He then obtained his Ph.D. at the University of Toronto and was a Robert A. Levy Fellow in Law and Liberty at George Mason University Law School in Virginia, where he graduated first in his class. Dr. Yahya will be teaching Contracts and Company Law next year.

Tom Archibald is a graduate of the University of Western Ontario and a doctoral candidate in Labour Law at the University of Toronto. He will be teaching in the areas of Labour Arbitration and Labour Law, and at the same time working for the Alberta Law Reform Institute on the Rules of Court project.

The onset of the new year also gives us the chance to reflect our past successes. Our students continue to be our best ambassadors and illustrate the increasing recognition of our academic programme. This year's Gold Medalist, Tania Bubela, is about to leave for the Supreme Court of Canada where she will be Clerk to Justice Arbour. Last year's Gold Medalist, Peter Banks, will be pursuing a BCL degree at Oxford before taking a Clerkship with Justice Major in 2004. Larissa Katz, who was awarded the Gold Medal in 2000, practised on Wall Street after her Clerkship at the Supreme Court. This year, together with Peter Banks, Larissa won a Viscount Bennett scholarship and will begin graduate studies at Yale in August. Alfred Orono, who attended this University under its far-sighted policy of supporting a number of refugee students each year, has begun to article with the Department of Justice in Ottawa after a stint last summer with the Rwanda War Crimes Tribunal. Alfred is a tremendous young man and it has been wonderful to celebrate his success after spending his formative years as a conscripted child soldier in Sudan. Alfred's main concern in his graduating year has been to use

his own positive experience to encourage further private support for refugee students at the University.

At the Faculty level, **Professor Gerald Robertson**'s consistently excellent teaching was recognised through the receipt of The Hon. Tevie H. Miller Teaching Excellence Award. On the research front, most Canadian Law faculties are delighted if they obtain even one coveted research award from the Social Science and Humanities Research Council of Canada (SSHRC). At our Faculty, we are delighted that three of our colleagues hold SSHRC awards. **Professor Erin Nelson** has obtained an award to study reproductive autonomy in the light of new reproductive technologies. **Professor Catherine Bell** holds an award to study the protection and patriation of First Nations' cultural heritage in Canada. **Professor Richard Bauman**, along with Tsvi Kahana, received an award to examine the impact of the Charter on the activities of provincial legislatures. Richard, in addition, received the Distinguished Service Award from the Law Society of Alberta and the CBA-Alberta Branch.

One of the most pleasant aspects of the Dean's position is the opportunity to renew acquaintances with friends and alumni. Last year I attended six class reunions and a number of receptions at law firms in Edmonton and Calgary, as well as alumni events in Edmonton, Calgary and Victoria. I will continue this programme in the coming year with visits to alumni gatherings in St. John's, Newfoundland, Toronto, and British Columbia, and to events in regional centres in Alberta as well as the major cities. I look forward to meeting as many of our friends and alumni as possible on those and other occasions.

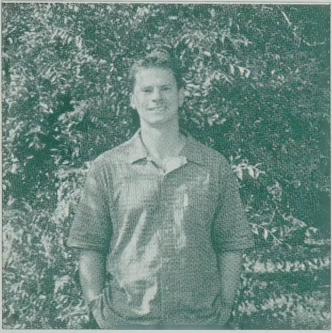
As always, I value the input from all of our alumni and friends and hope that you will not hesitate to get in touch with me if you have suggestions, concerns, or would simply like to discuss the future of the law school.

David R. Percy, Q.C.
Dean
Wilbur Fee Bowker Professor of Law

Comings and Goings

★ New Faculty ★

CHRISTOPHER SPRYSAK returned to the Faculty of Law as a full time, tenure track professor following completion of his Masters in International Taxation at New York University. He previously taught during the 2001-02 academic year. Professor Sprysak began his academic career with a B.Comm at the University of Alberta, where he was the recipient of the Hu Harries Gold Medal in 1992. He completed his C.A. and worked for Price Waterhouse before enrolling at the Faculty of Law in 1995. In 1998 Chris received the Horace Harvey Gold Medal by finishing at the top of his class. He articled with Felesky Flynn. While there, he made presentations to the



Chris Sprysak

Canadian Bar Association, the Chartered Accountants of Alberta, and the Edmonton Tax Lawyers and Accountants Discussion Group. He also joined the Faculty of Law as a sessional instructor. Following completion of his LL.M. at New York University, Chris was awarded the Flora S. and Jacob L. Newman Award for distinction in the International Taxation Program. He was nominated by the professors for this significant award, which recognizes the most outstanding student in the program. Professor Sprysak will teach Tax, Corporate Tax, and Estate Planning. Welcome back Chris!

LISA WEBER, a graduate of the Class of 1999, has been appointed the Director of the Indigenous Law Program (ILP) at the Faculty. Lisa, who grew up in northern Alberta, completed her B.A. in Native Studies before entering law school at the University of Alberta. Following graduation she articled in Alberta and then moved to B.C. She is a member of the bar of both provinces. Lisa remarked that although the ILP is designed to recognize the challenges facing Aboriginal students, all Aboriginal applications are reviewed in the same manner as



Lisa Weber

regular applicants. The ILP can also serve to benefit all students, whether they are of Native or non-Native ancestry. Aboriginal law issues, such as treaty negotiations and natural resource conflicts, will have an important effect on people across Canada in the coming years. Weber believes that the ILP can emerge as an organization to highlight these issues for every student enrolled in the Law School. The success of the ILP was clearly evident in the Class of 2003, which included nine graduates of Aboriginal ancestry.

University of Alberta Law graduate **ROBYN KAULBACK** returns to the Faculty this fall to assume teaching duties with the Legal Research and Writing Program. Robyn completed her LL.B. in 1998. She also holds Physical Education and Education degrees from the U of A. Robyn worked for several years with the Edmonton Public School Board as a teacher and athletic administrator, and spent time with Coast Hotels before attending law school. After attaining her law degree, she articled and worked as an associate at Matheson and Company, where she was involved in several major civil litigation cases. She practiced real estate and commercial litigation. More recently, her interests have been directed towards criminal law, with an emphasis on the Charter of Rights and Freedoms.



Robyn Kaulback

We are pleased to announce that **JEANNETTE FULDAUER-TRAMHEL** has joined the Faculty. Jeannette will teach Legal Research and Writing to first year students. She completed her B.Sc at the U of A, majoring in Agriculture with a particular emphasis on agricultural economics. After two years with the Alberta Department of Agriculture, Jeannette attended law school at Queen's University. In 1987 she obtained her LL.B. and worked in Ottawa with Scott & Aylen. She focused on administrative law and trade regulation, before assuming positions with both the Canadian Department of Foreign Affairs & International Trade and the Canadian Department of

Agriculture. In 1994 she was awarded her LL.M. with distinction, in International and Comparative Law from Georgetown University in Washington, D.C. Following graduation, she began employment with the Organization of American States, Department of International Law, where she

focused on private international law and international business law. After a three year stint as a legal advisor, Jeannette crossed the Atlantic for an opportunity to work with the United Nations in Vienna, Austria. She was a member of the International Trade

Law Branch and served on the Commission for International Trade Law, where she drafted legislative guidelines for privately funded infrastructure products and researched and reported on issues such as commercial arbitration and electronic commerce. A member of the Law Society of Upper Canada and the New York State Bar, Jeannette has published extensively in the area of International Law and Trade, including articles on international marine law and the international law of contract.



Jeannette Fuldauer-Tramhel

TRACEY BAILEY, a 1991 graduate of the Faculty of Law, was appointed Executive Director of the Health Law Institute in July, 2003. Tracey previously served as the Institute's Project Manager, and has an extensive background in health law. Tracey practiced in the field of health law with Fraser Milner Casgrain and then became a legal instructor at the Northern Alberta Institute of Technology. She continues to be involved with legal education, including advising health care professionals and their associates on legal issues, as well as organizing outreach programs. In addition, Tracey has participated in a series of workshops and seminars put on by the Health Law Institute. She is editor of the *Health Law Journal* and the *Health Law Review* and is a member of the Capital Care Group Ethics Committee. In the past, Tracey has served as co-chair of the CBA's Northern Alberta Health Law section and on the Edmonton Regional Mental Health Planning Committee.



Tracey Bailey

★ Transitions ★

PROFESSOR MICHAEL PRATT has accepted a Faculty position at Queen's University. Michael's family and his wife Suzanne's family are based in Ontario, so he is heading home. Good luck and best wishes to Michael. He will be missed.

DR. TSVI KAHANA is leaving his position as Executive Director of the Centre for Constitutional Studies this fall and will begin a position at Queen's University in July 2004. Best wishes are also extended to Tsvi.

BRENT WINDWICK left the position of Executive Director of the Health Law Institute to return to his full time practice at Field Law.



L-R: Janna Promislow, Mark Prescott, Heather Innes & Dean Percy



Michael Pratt with Dean Percy

Three Legal Research and Writing Instructors have left the Faculty to pursue other endeavours. **MARK PRESCOTT** has joined the Justice Department in Ottawa as part of their Legal Excellence Program. **HEATHER INNES** is pursuing a Masters in Library and Information Studies, establishing a private legal research business, and is working as the Alberta correspondent for *Lawyers Weekly*. **JANNA PROMISLOW** is completing her LL.M. during the summer, while working on the Rules of Court Project with the Alberta Law Reform Institute. She will begin Osgoode Hall's Ph.D. program in the fall.

Faculty News

★ Awards & Recognition ★

Distinguished Service Award

Professor Richard Bauman received the Distinguished Service Award for Legal Scholarship, which is jointly awarded by the Law Society of Alberta and the Canadian Bar Association, Alberta Branch. The award recognizes Richard's longstanding commitment to academic research, writing and editing, as well as his support for other academics in Canada and abroad. Professor Bauman holds a B.A., LL.B., M.Ed. (U of A), an LL.M. (Dalhousie) and a D.Phil. (Oxford, 1988). A member of the Bar since 1982, he joined our Faculty in 1988 and became a full professor in 1997.

Professor Bauman's lengthy publication list covers a wide variety of topics. He has completed studies for the Alberta Law Reform Institute on the liability of corporate directors and has also researched the modification of corporate constitutions. In addition, he has advised the Government of Alberta on the future of post-secondary education and worked with the South African National Congress to establish property rights in that country's constitution. Professor Bauman has also written outside the area of traditional legal issues, extending his research to the area of philosophy and culture. During the late 1990's Richard wrote books on *Aristotle's Logic of Education* and *Critical Legal Studies: A Guide to the Literature*, and also co-authored *Explorations of Difference: Law, Culture and Politics*.

The key to academic success, according to Professor Bauman, is infinite curiosity. His goal is to make each publication better than the last, to maintain constant challenge. His most recent book, *Ideology and Community in the First Wave of Critical Legal Studies*, is a very ambitious project, as it combined philosophy, law, political and social theory to provide a contemporary history of legal philosophy.

Professor Bauman has also received high praise from his students. In 1998 he received The Hon. Tevie H. Miller Teaching Excellence Award, and was selected as the McCalla Research Professor. He has lectured in the areas of contracts, property and company law while also instructing on constitutional issues and legal theory and philosophy. Professor Bauman also served as counsel to the Alberta Law Reform Institute during the 1980s.

Bauman began his academic career at Dalhousie Law School. He held a visiting appointment at Duke University, taught at the Asia American Institute for Transnational Law

(based in Hong Kong) and instructed at the Duke-Geneva Institute.



Margaret Shone and Richard Bauman

Margaret Shone, who has served as counsel to the Alberta Law Reform Institute (ALRI) for over 30 years, also received a Distinguished Service Award for her service to the legal community. Margaret received an LL.M. from the University of Alberta, following degrees from the University of Toronto and the University of Saskatchewan. Margaret was appointed to ALRI in 1970 and has published in diverse fields such as family law, health law and civil procedure. She has volunteered in the community as a member of the Council on the Status of Persons with Disabilities, on a Ministerial Task Force to Review the Mental Health Act and provided assistance to the Royal Alexandra Hospital, the University of Alberta Hospital and the Canadian Mental Health Association. She has also received awards from the Alberta Human Rights and Citizenship Commission and the Province of Alberta. Margaret has been named a recipient of a University of Alberta Alumni Recognition Award which will be presented during Reunion Weekend in October 2003.

Appointments

Annalise Acorn, Shannon O'Byrne, Wayne Renke and June Ross were promoted to Full Professor.

Sanjeev Anand was promoted to Associate Professor.

Grants

Professor **Richard Bauman** and Center for Constitutional Studies Director **Tsvi Kahana** were awarded \$84,000 from the Social Science and Humanities Research Council of Canada (SSHRC) to conduct research on issues pertaining to federalism. Their paper will focus on how provinces interpret the Constitution of Canada.



Tsvi Kahana was also successful in receiving a Foundation for Legal Research grant to assist him to research how the judiciary interprets and applies labour law.



Health Law Institute Research Director **Tim Caulfield** was awarded \$112,000 in funding over a two year period from the National Centres of Excellence Advanced Foods and Biomaterials Network. His research will address the legal difficulties surrounding stem cell research.



Assistant Professor **Erin Nelson** was awarded over \$20,000 from SSHRC to undertake research in the area of reproductive health. She will use the funding to publish a report entitled "Reproductive Anatomy: Legal and Policy Choices."



Professor **Shannon O'Byrne** was awarded a Foundation for Legal Research grant. She will carry out research to examine whether intangible damages, such as mental distress, anxiety and humiliation, should be awarded in a breach of contract action.



Assistant Professor **Barbara Billingsley** was awarded a Foundation for Legal Research grant. Her research will explore how the Supreme Court of Canada has approached and applied Section 1 of *The Charter of Rights and Freedoms*.

ANNUAL GENERAL MEETING ALUMNI & FRIENDS OF THE FACULTY OF LAW ASSOCIATION

Saturday, October 4, 2003, 1 pm
4th Floor, Law Centre

All alumni and supporters of the Faculty of Law are invited.

Graduate Students

Nola Ries, an LL.M. candidate at the Faculty, presented her work at Genome Canada's National Symposium, and also had an abstract selected for discussion at the Annual Conference of the Canadian Public Health Association. Nola is completing her thesis in the area of health law.



The Economic and Trade Affair's Office at the Consulate General of China invited LL.M. candidate **Jeff Jiang** to participate in a seminar in Sino-Canadian Trade Relations in February, 2003.



LL.M. candidate **Cathy Anne Pachnowski** had a poster abstract accepted for publication at the "Precedent and Innovation" Health Law Conference held at the University of Alberta.



Lori Sheremata, who is an LL.M. candidate, recently presented abstracts at two national Health Law conferences. Lori spoke on stem cell research at the Canadian Bioethics Society Annual General Meeting and also addressed gene patent policies at a DNA sampling conference in Montreal.



LL.M. candidates **David Milward** and **Hua Wei** have been selected for the Elizabeth Cossins Graduate Scholarship in sociology and a scholarship from the Friends of the Faculty of Graduate Studies respectively.

★ LAW SHOW 2004 ★

This year's Law Show will take place **Friday, January 16 & Saturday, January 17, 2004** at the Myer Horowitz Theatre, Students' Union Building, University of Alberta.

For tickets & information about sponsorship & support, please contact Catherine Miller at 492-5953 or by e-mail at cmiller@law.ualberta.ca.

Last year's show raised \$22,000 for the Kara Family Support Centre!!

★ The Honourable Tevie H. Miller Teaching Excellence Award ★

Professor Gerald Robertson, Q.C., was awarded the sixth Honourable Tevie H. Miller Teaching Excellence Award in 2002. Professor Robertson teaches Torts, Law and Medicine and Conflict of Laws. His main research focus is in the area of Health Law, where he has published *Mental Disability and the Law in Canada* and also co-authored *Legal Liability of Doctors and Hospitals in Canada*. Professor Robertson is highly regarded in this field and his work is found in legal and medical journals throughout North America and the United Kingdom.

Gerald is originally from Scotland, and holds an LL.B. from the University of Edinburgh and an LL.M. from McGill. He joined the Faculty of Law in 1983 and became a full professor in 1988. He also teaches in the Faculty of Medicine.

The Award was established in 1997 by the Friends of the Faculty of Law, and is based upon student evaluations of their professors. A committee of lawyers, judges and Faculty members review the submissions and decide upon a winner. This year's committee consisted of Justice Peter T. Costigan (Alberta Court of Appeal), Dean David Percy, Professor Shannon O'Byrne and Tom Wakeling (Fraser Milner Casgrain).

Students appreciate the concise way that Professor Robertson approaches classes and his ability to break complex cases into basic issues. The gift of clarity offers students the opportunity to think about the law on a different level than the case currently being studied. The readings and lectures build a basis of knowledge which allow for examination of the law as it is actually applied by judges on a day to day basis. His teaching style frequently features hypothetical situations posed to the class, which fosters student involvement and discussion. By moving this dialogue in different directions, Professor Robertson reveals the legal rules of a particular subject matter in an interesting and thoughtful manner. His wry sense of humour and vast collection of cases based upon rare and improbable facts often leave students howling. There are few in his first year Torts classes who have not been left chuckling after hearing arguments which articulate one's right to leave a restaurant without paying or deal with out of control cattle on the Scottish highlands. These lighter moments, which provide brilliant demonstrations of the law at work, make Professor Robertson's classes very enjoyable for students.

Second year student Tim Outerbridge, who co-coordinated the award selection for the Law Students' Association, was pleased with the results. "I think Professor Robertson is a great choice. He has been nominated for the award several times before, so I think it is fitting that he finally was selected. He's very knowledgeable in his field and absolutely incredible when at the front of a class."



Prof. Robertson (R) accepts award from Tim Outerbridge



The **Tortfeasors**, who represent the Faculty of Law in the University of Alberta's Intramural Hockey League, captured the League Championship for 2002/03! The team was led by **Dave Thomlinson** (2003), who had a long professional hockey career, including considerable experience in the NHL. Also on the squad were **Cam Danyluk** (2003) and **Dale Mason** (3L), who both won a National Championship with the Golden Bears during their undergraduate days. Danyluk and Mason also have Memorial Cup rings from their careers as juniors.

Speakers & Panel Discussions

The Faculty was fortunate to have a number of distinguished academics present guest lectures over the course of the year. Harvard Law School Professor **Frank Michelman** spoke to the first year class in September on the topic of "Regulatory Takings." Michelman has been a professor at Harvard since 1963 and researches in the area of Constitutional Law, Property Law and Legal Theory.



Prof. Frank Michelman



Prof. Frank Michelman

Professor **Jeremy Waldron** also spoke to first year students. Professor Waldron teaches at Columbia Law School in New York, and has held other teaching positions throughout North America, the United Kingdom and New Zealand. Waldron has been a tireless advocate of homeless people, and has spent much of his time representing organizations such as the National Coalition of the Homeless. He delivered a lecture on this topic with his trademark wit and colourful language to a large and appreciative audience.

Prof. Jeremy Waldron

The keynote speaker for the annual Alberta Law Review Banquet Dinner was U of A Law Alumnus **Dr. Bernard Adell**, of Queen's University. Prior to the banquet, Adell addressed students on recent changes in Labour Law, which will form the basis of a book he is currently editing.



L-R: Mrs. Campbell, Dr. Tsvi Kahana & Dr. Thomas Campbell



Dr. Bernard Adell

Dr. Thomas Campbell, Dean at the Haas School of Business at California-Berkeley, was a guest at the Faculty to give a lecture on Corporate Ethics. Campbell was previously a Professor of Law at Stanford University and has worked for the White House Chief of Staff and the Attorney General of the United States. Dr. Campbell's discussion focused on regulating corporate governance and how such issues should be addressed in law school classes.

Professor **David Bamford** of Flinders University School of Law in Adelaide, Australia, visited the Faculty in September and made a presentation entitled "The Changing Nature of Australian Legal Education." Bamford has published work on the Australian political system and the legal aspects of workers' compensation.

The Women's Law Forum invited **Carol Cass**, an Edmonton social worker to the Law School. Cass discussed how the City's Domestic Violence Intervention Teams deal with the cycle of violence in abusive relationships, and the devastating impact that spousal abuse has on the children of those relationships, even though they are not directly abused.



Prof. Bruce Ziff & Prof. David Bamford (R)

Professor **James Edelman** of the University of Western Australia, visited the Faculty to address Faculty members on Gain Based Damages. Dr. Edelman, who completed his Ph.D. at Oxford on a Rhodes Scholarship, teaches Contracts, Torts and Intellectual Property.

Professor **Christine Boyle** of the Faculty of Law at the University of British Columbia, spoke to students on the issue of transgendered persons. Boyle serves as counsel to a B.C. woman who was denied the opportunity to volunteer at a rape relief clinic because she was born a man. The case raises issues about sexuality and self identity, which is the main focus of Professor Boyle's research.



Prof. Christine Boyle (R) with members of the Women's Law Forum

Professor **W. Bentley MacLeod**, who teaches Economics and Law at the University of Southern California in Los Angeles and serves as director for the Center of Law, Economics and Organization, visited the Faculty to discuss medical malpractice. A recent collaboration on a paper with Professor Jennifer Arlen of New York University Law School, which addressed Malpractice Liability for Physicians and Health Management Organizations in the United States, was the basis of the presentation.



Prof. Alan Young

Professor **Alan Young**, who teaches Constitutional and Criminal Law at Osgoode Hall Law School, delivered a guest lecture on the constitutional validity of marijuana laws. Young is currently serving as counsel in *R v. Malmo-Lavine* and *R v. Clay*, which deal with the right to possess marijuana, and will be heard by the Supreme Court of Canada in the coming year. Professor Young's talk, which was entitled "Smoking Pot and Fundamental Justice," focused on how the Charter of Rights and Freedoms may eventually lead to the downfall of legislation prohibiting the possession of marijuana in Canada.



Prof. MacLeod with daughter, Raisa (1L)

and written in the area of the blood feud, with a particular emphasis on early modern Iceland. His most recent work, *The Mystery of Courage*, discusses the elusive nature of courage and why it is so difficult to define.

Daniel Woolf, who currently serves as Dean of Arts at the University of Alberta, spoke to students and Faculty members on English history. The discussion, entitled "Memory, Tradition and the Written Record in Early Modern England" dealt with written history in England in the post Norman period. Dr. Woolf, who specializes in British history, completed his undergraduate work at Queens University and attained a Ph.D. from Oxford.

Dr. George Pavlich, a Sociology Professor at the University of Alberta who also serves as Associate Dean in the Faculty of Graduate Studies, spoke to Faculty and students about "Governing through Restorative Justice: Crime's Aftermath?" Pavlich outlined the relationship between critical criminal theory and restorative justice. His latest work, *Sociology for the Asking*, will be published this year.



John Weaver

John Weaver, who teaches history at McMaster University, presented a paper entitled "The Great Land Rush" to Faculty and students. The paper was based on his recent research interests in how land was acquired through settlement in "new frontiers" in different areas of the world.



Dean Daniel Woolf

Bartha Maria Knoppers (Canada Research Chair in Law & Medicine, University of Montreal) and **Rossario Isasi** (Bioethics Centre, University of Toronto), made a presentation to students and Faculty entitled, "Human Cloning and Human Dignity: In Danger of Banality?" which addressed the legal issues surrounding human cloning.



L-R: Rossario Isasi & Bartha Knoppers

Aboriginal Law Speakers Series

The Faculty invited a number of renowned academics to speak on the topic of Aboriginal rights during 2002-03. The Aboriginal Law Speakers Series – an initiative of the Aboriginal Law Students' Association – is organized to raise awareness about Aboriginal Law issues. **Leroy Littlebear** (a member of the Blood Indian Tribe, past Director of the Harvard University Native American Program, and consultant to many Indian Tribes and organizations) spoke on the issue of Aboriginal self-government. He outlined the different conceptions of property and ownership between Aboriginal peoples and British settlers, and discussed how these differences affected Treaty settlements and Native land claims in Canada. His current research interests include North American Indian science and the exploration of Blackfoot knowledge through traditional songs, stories and dances.



Harold Cardinal (L) accepting the Aboriginal Justice Award from Lana Poitras (President, ALSA) & Clayton Cunningham (2L)

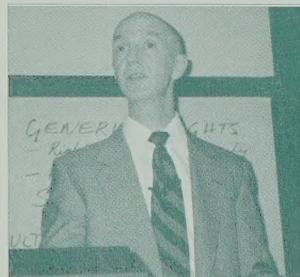
Harold Cardinal, an Aboriginal leader and former Indigenous Scholar-in-Residence at the University of Alberta, delivered a speech to students on the issue of Aboriginal rights. Cardinal previously served as President of the Indian Association of Alberta and Vice-Chief of the Assembly of First Nations. He continues to work and advocate for Native groups across the country, and was honoured in 2001 with a Lifetime Achievement Award from the National Aboriginal Achievement Foundation. He was presented with the 2002 Aboriginal Justice Award from the Aboriginal Law Student's Association (ALSA). This Award is given annually to a person or organization in recognition of service to the Aboriginal community and outstanding contributors to the development of Aboriginal justice initiatives.

University of Ottawa Law Professor **Larry Chartrand** spoke to students about Contemporary Métis Government. Chartrand publishes in the area of Aboriginal rights, and has done consulting work for First Nations groups and the Government of Canada. He appeared before the Senate Standing Committee on Aboriginal Peoples and previously served as Director of the Indigenous Law Program at the University of Alberta.



Judge Mandamin with Lisa Weber
(Director, Indigenous Law Program)

Aboriginal peoples. He argued that Aboriginal lives would be improved if Aboriginals were able to make decisions regarding their own future. Whyte is a senior research fellow at the Saskatchewan Institute of Public Policy and also lectures at the University of Regina.



Prof. Brian Slattery

Professor **Brian Slattery** of Osgoode Hall, gave a presentation entitled "Aboriginal and Treaty Rights at the Supreme Court of Canada". He discussed how the Supreme Court has approached Aboriginal and Treaty Rights by focusing on the *Van der Peet*, *Delgamuukw* and *Marshall* cases. Slattery served on the Royal Commission on Aboriginal Peoples and is a Fellow of the Royal Society of Canada.



Prof. Larry Chartrand



John Whyte receives token of thanks from Adam Letourneau (2L)

Centre for Constitutional Studies

Over the 2002-03 academic year the Centre for Constitutional Studies (CCS) hosted a number of panels and discussions which were widely attended by the Faculty, students and members of the general community.



In October, the CCS hosted a panel discussion on "Recent Same-Sex Marriage and Domestic Rights Decisions: Legal, Feminist, Queer and Lesbian/Gay Perspectives." Speakers included **Julie Lloyd** (Sessional Lecturer), **Chantal Nadeau** (Concordia University, Montreal) and **Lise Gotell** (Women's Studies, U of A).



L-R: Tsvi Kahana, Chantal Nadeau,
Julie Lloyd & Lise Gotell



"The Law of Going to War in a Global Era" was an international gathering conducted by video conference so that Professor **Asher Moaz** of Tel Aviv University and Professor **John Haley** of Washington University at St. Louis could participate. Other members included UBC's **Ikechi Mgbeoji**, **Thomas Campbell** of Berkeley and **Brian Orend** from the University of Waterloo. Each panelist represented a different country and discussed the legal implications of war from a constitutional perspective, which served to highlight the differences between armed conflict in different nation states.



Dr. **Ariel Bendor**, Dean of Law at Haifa University in Israel, visited the University of Alberta in February 2003, to discuss "The Israeli Constitution and the Fight Against Terror." Dr. Bendor, who has held appointments at Yale Law School and the Supreme Court of Israel, has published extensively on Constitutional and Comparative Law.

CENTRE FOR CONSTITUTIONAL STUDIES
ÉTUDÉS CONSTITUTIONNELLES

Brian Slattery, John Whyte and **Jeremy Webber** (University of Victoria) gathered to discuss the topic of "Constitutional Continuity." All three professors have written on constitutional issues including Federalism, the Charter of Rights and Freedoms and Aboriginal Rights. The panel focused upon how judges and legal academics create stability and flexibility within the Constitution of Canada.



Following the outbreak of hostilities in Iraq, a panel addressed the legality of the American invasion. The panel included Professor **Trevor Farrow**, Dr. **Donald Ipperciel** (Faculté Saint-Jean), Professor **Thomas Keating** (Department of Political Science) and Dr. **Janice Williamson** (English Department).



"Health Care in the Developing World" was another focus of the CCS. A panel featuring **Ikechi Mgbeoji** (University of British Columbia), **Malinda Smith** (Athabasca University) and U of A's **Stanley Houston** met to discuss the issue. All three participants research and teach in the area of Health and Medicine and have a keen interest in health care issues in Canada and around the world.



Shortly after the release of the *Romanow Royal Commission on the Future of Health Care in Canada*, the CCS and the Health Law Institute (HLI) held a symposium to discuss the Report. The discussion, entitled "But What's Law Got to Do With It?," featured HLI Research Director **Timothy Caulfield** and University of Saskatchewan Law Professor **Donna Greschner**. Caulfield addressed the impact that common law principles will have on facilitating change in the Canadian health care system, while Greschner spoke about the effect of the Charter of Rights and Freedoms on health care costs.



Tsvi Kahana & Dr. Ariel Bendor

Faculty Seminars

Over the course of the academic year Faculty members presented lectures to students and colleagues on topics which were within their own research interests.

Michael Pratt began the series with a presentation entitled "The Concept of a Voluntary Obligation", focusing on how moral obligations relate to the fields of Tort and Contract Law.

Criminal law professor **Sanjeev Anand** addressed the issue of stalking with members of the Women's Law Forum. He concluded that in order to prevent and punish criminal harassment, both legal and broader initiatives are required.

Annalise Acorn discussed her research in "Apologies and Forgiveness as Elements of Justice," which questions traditional interpretations of apologies as important elements of justice and closure. Acorn's second presentation entitled, "Feminism After Martha Stewart" examined the role of feminism in the 21st century. These topics flowed from her research and teaching specialties, which include Popular Culture, Gender and Sexuality.

Health Law Institute Research Director **Timothy Caulfield** presented his findings on the topic of "Consent in the Era of Human Cloning." Caulfield's research studies the ethical and legal issues of Health Law reform in Canada.

James Stribopoulos, who recently received his Ph.D. from Columbia, spoke about the development of "Investigative Detention" in Canada. Stribopoulos, who previously worked as a defence attorney in Toronto, publishes in the area of Criminal Fault, Criminal Trial Procedure and Evidence.



James Stribopoulos

Alfred Orono, a 2003 LL.B. graduate, spent last summer interning with the International Criminal Tribunal for Rwanda. He discussed his experiences with Faculty members. Orono assisted with the prosecution of many of the perpetrators of the 1994 genocide, including leading members of the Rwandan military.

Linda Reif, a 2002-03 McCalla Research Professor, discussed "Post Conflict Peace Building." The topic is the basis of a book which Professor Reif is working on relating to how states can re-establish themselves following hostilities.



Linda Reif & Alfred Orono

Dean's Lunch, Reunion Weekend Saturday, October 4 at noon, 4th Floor Law Centre.

Dean David Percy will host a lunch for alumni, friends and family. This is an opportunity for the Faculty to honour our alumni who have received recognition from the University of Alberta for their service to the community, the University, their profession and for their outstanding achievements.

Alumni who will be recognized at the Dean's Lunch are:

MARK CRANWELL, HUGH LAWFORD, Q.C., JACK PERRATON, Q.C., JOHN POON and MARGARET SHONE.

Please RSVP to Catherine Miller, Tel 780.492.5953 / Fax 780.492.4924 / cmiller@law.ualberta.ca

The morning starts with a Law Centre Tour at 11:00 a.m., Main Entrance

Branch News – Vancouver Island

On November 13, 2003, the University of Alberta Alumni and Friends Association (Vancouver Island Chapter) was proud to co-sponsor a reception following a speech given in Victoria by one of our most notable alumni, The Honourable Madam Justice **Beverley Browne**, Chief Judge of the Nunavut Court of Justice. The evening lecture was sponsored by the Faculty of Law of the University of Victoria.

Madam Justice Browne described the development of the system of legal administration and justice in the new territory and the long-term project initiated by her to develop the funding and overall support for the Akitsiraq Law School, which is sponsored and administered by the University of Victoria Faculty of Law. The lecture described the cultural values of the Inuit nations. Justice Browne's goal is to remain in Nunavut long enough to assist in the creation of a legal and judicial system that will be able to be predominantly run by individuals of Aboriginal origin. She described the dramatic events of July 1, 2001 when the Territory was created and what it was like to be present when her court and authority were created. Justice Browne travels extensively many days a month throughout the Territory on circuit courts in various regions and has become fluent in some Inuit languages in order to assist the citizens of the territories to the greatest extent possible.

and gave an excellent opportunity for Justice Browne to visit with U of A colleagues and others who had enjoyed her lecture. The U of A Alumni Association received a warm acknowledgment from the University of Victoria, and provided funding support for the reception.

Justice Browne (Class of 1975) articled first in Yellowknife, NWT, and practiced both there and in Alberta. She was appointed to the Territorial Court of the NWT (which became the Nunavut Court of Justice in April 1999) in 1990 and has been a leader in the development of the legal and judicial system in the Territory of Nunavut. She was appointed as the Chief Judge of the new Territory of Nunavut at the time of its creation.



Madam Justice Beverley Browne

Planned Giving – a Future Gift

Karen Platten of the Class of 1978 practices in the area of Estate Planning. This is definitely not the case of the shoemaker's children having no shoes.

Though one often thinks of planned giving and more specifically making philanthropic donations through bequests, as the act of an individual who has retired, or at least moved into their 7th decade, Karen has chosen to follow the advice that she provides many of her clients. She has made a specific bequest to the Faculty providing significant funds to be used at the discretion of the Faculty for its needs.

Karen explained that the reason she wished to make this gift was twofold: "Firstly, I think that it is critically important that we all give back to the community in any way that we can. Jim (Brimacombe, Karen's husband) and I both benefitted from the Law Faculty and I would like to recognize this through one of the donations that is made in my estate. Secondly, I want my children to understand that giving a gift is important enough to do as a specific bequest, even before they get anything. There will be enough in the estate to care for them and give the specific bequests that I have made and I feel privileged to be able to do so. I learned from my parents the value of community service and would like to pass that legacy on to my children. Having them see the gifts that are made in the estate will be one way of accomplishing this."

The Faculty is most appreciative of the gift being provided for it from Karen's estate. Jim Brimacombe continues to be linked to the Faculty with the competitive moot court qualification round being named in his memory.



Karen Platten

◆ Reunion Weekend ◆

October 2 - 5, 2003

**Thursday
October 2**

Alumni Pride Awards Ceremony & Reception

Ceremony: 5 - 6:30 pm Reception: 6:30 - 7:30 pm
Myer Horowitz Theatre, Students' Union Building

Faculty of Law Alumni receiving recognition are:

- ★ Alumni Honour Award
Hugh Lawford / Jack Perraton / Margaret Shone
- ★ Alumni Horizon Award
Mark Cranwell
- ★ Alumni Excellence Award
John Poon

**Friday
October 3**

Informal BBQ

5:30 - 9:00 pm \$10 charge
Quad behind Students' Union Building

[Many of the anniversary reunion classes are having class events on this day. Please contact Class Organizers listed below or Catherine Miller, Alumni Relations, Faculty of Law for details:
ph: 780•492•5953 / cmiller@law.ualberta.ca]

<u>Reunion Class</u>	<u>Contact(s)</u>	<u>Telephone / E-mail</u>	
Class of 1938	Edward Bredin	403•243•6805	
Class of 1943	Stan Edwards	416•486•4172	
Class of 1953	Ammon O. Ackroyd	780•423•5755	
Class of 1958	The Hon. T.W. Gallant <i>Cocktails/Dinner @ Alumni House</i>	780•427•2549	
Class of 1963	Keith Conrad, Walter Stanford	<i>This class reunion is scheduled for Sept. 26-28 at Kananaskis. Respond to Jan Wittig (ph 403•288•8069; fx 403•288•8735; jawittig@ucalgary.ca)</i>	
Class of 1978	Charles Gardner M. Joan Riddle, The Hon. Colleen Kenny	780•968•1200 / cgardner@bgglaw.com	
Class of 1983	This Class held their reunion in May		
Class of 1988	Edward Feehan	780•441•4314 / erfeeahan@duncanandcraig.com	
Class of 1993	Leita Siever Derek Allchurch	780•426•8501 / lsiever@phaa.com 403•298•2400 / dallchurch@millerthomson.ca	
Class of 1998	Derek King Geoff Edgar	780•497•4846 / dking@brownleelaw.com 780•702•3402 / gedgar@wittenlaw.com	

Saturday
October 4

Open House at the Law Centre

11:00 am - main entrance

Tour of Law Centre; demonstration of new teaching technologies; Tour of Weir Memorial Law Library

Dean's Lunch hosted by Dean David Percy

Law Centre, 4th Floor Faculty Lounge

RSVP is required to Catherine Miller: 492-5953 or cmiller@law.ualberta.ca

Annual General Meeting - Alumni & Friends of the Faculty of Law Assn

1:00 pm, Law Centre, 4th Floor Faculty Lounge

Gala Banquet & Dance (for entire University Alumni - Registration is required)

Cocktails: 6:00 pm / Dinner: 7:00 pm / Dance to follow

Shaw Conference Centre

Sunday
October 5

President's Breakfast (Classes of '38, '43, '48 & '53)

9:30 - 11:00 am

Crowne Plaza Chateau Lacombe

Please note: Registration for the Friday BBQ, Saturday Gala and Sunday Breakfast is through the Office of Alumni Affairs: ph 780•492•3224 / toll-free 1•800•661•2593 / fx 780•492•1568 / alumni@ualberta.ca.

Notes on the Class of '38

Earnest Côté had a successful career with the Federal Government, serving as Deputy Minister of the Department of Indian Affairs and Natural Resources and also as Canada's Ambassador to Finland. He served with the Canadian Military during the Second World War. Côté now divides his time between Ottawa and Spain, where he vacations each winter.

E. Hartland Perlson rose to become Assistant Commissioner of the RCMP. He now resides in Kamloops, B.C.

George L. Crawford, Q.C. practiced with Parlee McLaws in Calgary. He was extremely active in the local community, where he was president of the Calgary Exhibition and Stampede and chairman of Southam, Inc., which owned several local newspapers. Crawford joined the Canadian Navy during World War II and served for Canada.

Robert H. Barron, Q.C. continues to practice law, and has three daughters who have followed in his footsteps. He has the longest career of any member of his Class, as he has been in practice for

over 60 years, and has had the distinction of appearing before the Judicial Committee of the Privy Council in London. Barron served with the Canadian Air Force during the Second World War.

Hugh John Macdonald was a member of the Alberta Legislature and also served on the Court of Queen's Bench. Macdonald was one of three Class of '38 members to complete stints on the judiciary, the others being **James G. Kidd** and **J.N. Decore**. MacDonald also joined the Military during World War II.

Donald P. McLaws, Q.C., a founding member of Parlee McLaws, retired from practice in 2000 after more than 60 years of service. Both he and **George Crawford** were honored for their long time commitment by the Law Society of Alberta.

A.W. Henricks, Q.C. worked for Shell Oil, serving as senior counsel for western Canada, and still makes his home in Calgary. He also served in the Army during World War II.

K.S. Dixon, Q.C. (deceased) was a senior partner with Macleod Dixon of Calgary. During the war he spent time overseas with the Canadian Military.

Grace A.M. Archibald (Hope) (deceased) served as librarian of the Edmonton Court House Library for several years.

W.L. Blimey Hutton (deceased) became general counsel of McColl-Frontenec Oil Company. He enlisted during the Second World War and died in action.

Edward M. Bredin, Q.C. served as Solicitor for the City of Calgary in the 1950's and then spent 20 years as general counsel for Mobil Oil. He completed his career with Howard Mackie of Calgary, retiring in 1996 after more than 50 years of practice. Like many of his classmates, he also spent time with the Royal Canadian Air Force during World War II.

With thanks to Edward Bredin, for providing the material on which this was written.

◆ Calendar of Events ◆

- September 25/03 "Why the Death Penalty is Contrary to the Rule of Law – and Unconstitutional"
Speaker: Peter Fitzpatrick, Birbeck College, University of London
12:00 noon 4th Floor Faculty Lounge
- October 8 The Hon. Mr. Justice Michael O'Byrne/AHFMR Lecture on Law,
Medicine & Ethics
Speaker: Mark Rothstein, J.D., Director, Institute for Bioethics, Health Policy & Law,
University of Louisville
12:00 noon Room 237, Law Centre [Contact Dean's Secretary @ 492-5590]
- October 21 Informal discussion relating to work of the Tax Court of Canada
and Clerking opportunities
Speaker: Judge Campbell Miller, Tax Court of Canada
12:00 noon Room 237, Law Centre
- October 30 Eldon Foote Lecture
Speaker: Gary Hufbauer (Well-known author on the WTO and International Trade Law)
12:00 noon McLennan Ross Hall, Law Centre
- January 16 & 17/04 Law Show 2004
Myer Horowitz Theatre, Students' Union Building

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